

ASSEMBLY, No. 2009

STATE OF NEW JERSEY
217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Assemblyman JERRY GREEN

District 22 (Middlesex, Somerset and Union)

SYNOPSIS

Permits master deed of condominium to reflect proportional common and limited common elements interests of each owner as fractions.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning condominium master deeds and amending and
2 supplementing P.L.1969, c.257 (C.46:8B-1 et seq.).

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 9 of P.L.1969, c.257 (C.46:8B-9) is amended to read
8 as follows:

9 9. The master deed shall set forth, or contain exhibits setting
10 forth the following matters:

11 (a) A statement submitting the land described in the master deed
12 to the provisions of the "Condominium Act," P.L.1969, c.257
13 (C.46:8B-1 et seq.).

14 (b) A name, including the word "condominium" or followed by
15 the words "a condominium," by which the property shall thereafter
16 be identified.

17 (c) A legal description of the land.

18 (d) A survey of the condominium property in sufficient detail to
19 show and identify common elements, each unit and their respective
20 locations and approximate dimensions. The plans shall bear a
21 certification by a land surveyor, professional engineer or architect
22 authorized and qualified to practice in this State setting forth that
23 the plans constitute a correct representation of the improvements
24 described. The survey and plans shall constitute a condominium
25 plan as defined in section 1 of P.L.2011, c.217 (C.46:26B-1).

26 (e) An identification of each unit by distinctive letter, name or
27 number so that each unit may be separately described thereafter by
28 such identification.

29 (f) A description of the common elements and limited common
30 elements, if any.

31 (g) The proportionate undivided interests in the common
32 elements and limited common elements, if any, appurtenant to each
33 unit. These interests shall in each case be stated as percentages
34 aggregating 100%, or as fractional interests, which in the aggregate
35 shall equal the whole.

36 (h) The voting rights of unit owners.

37 (i) By-laws.

38 (j) A method of amending and supplementing the master deed,
39 which shall require the recording of any amendment or supplement
40 in the same office as the master deed before it shall become
41 effective.

42 (k) The name and nature of the association and if the association
43 is not incorporated, the name and residence address, within this
44 State of the person designated as agent to receive service of process
45 upon the association.

46 (l) The proportions or percentages and manner of sharing

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 common expenses and owning common surplus.

2 (m) Any other provisions, not inconsistent with the
3 "Condominium Act," P.L.1969, c.257 (C.46:8B-1 et seq.), as may
4 be desired, including but not limited to restrictions or limitations
5 upon the use, occupancy, transfer, leasing or other disposition of
6 any unit (provided that any restriction or limitation shall be
7 otherwise permitted by law) and limitations upon the use of
8 common elements.

9 (cf: P.L.1997, c.211, s.4)

10

11 2. (New section) The amendment of a master deed by an
12 executive board of a homeowners' association in reliance on
13 amendments made to section 9 of P.L.1969, c.257 (C.46:8B-9)
14 pursuant to section 1 of P.L. , c. (C.)(now before the
15 Legislature as this bill) shall not require a vote of the members of
16 the association.

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18 3. This act shall take effect immediately.

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STATEMENT

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23 This bill would permit the master deed of a condominium to
24 reflect the proportionate interest of the unit owners in the common
25 and limited common elements of the condominium in fractions
26 rather than percentages. The requirement under the current statute
27 to reflect the undivided interests only in percentages results in some
28 instances in a figure with an interminable number of digits. The bill
29 will therefore allow a condominium to reflect these proportional
30 interests either as a fraction or a percentage, as long as their sum
31 equals the whole interest of the common and limited common
32 elements.